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DATE: MAR 20 2002

ORGANIZATION/OFFICE: PATENT APPLICATIONS

ATTN: MR Jerome Donnelly

FAX NUMBER: \_\_\_\_\_

FROM: WALTER JOE MIKULSKI

MESSAGE: I have sent this Fax once in JAN 30  
AND RECEIVED NO REPLY. PLEASE NOTIFY  
IF MESSAGE RECEIVED.

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

09/400859

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Mr. Jerome Donnelly, I am writing you regarding my two patents pending, (Portable exercise assemblies application number 09/490,859). I understand that before Feb 2, a filing fee is due and I wish to plead for and extension of time. Actually I need as much time as I can possibly get. Following are the reasons: In Jan of 2000, I explained to my patent attorneys Maloy and Maloy that the 12,000 that I had paid them for both patents must cover all of the costs and that this was all that I would be able to pay. On Nov 9, 2001, They stated that the estimated costs of selecting one of the identified groups as suggested by the patent examiner, would be \$400. Plus a \$460. Patent extension fee, which I agreed to pay. Before paying this amount however, I found out that they would require a total balance of \$2,020., to proceed, and no guaranty how much more they might require down the road. I explained to them that I found this frightening, and was compelled to discontinue their services. I am further restricted by the fact that I am a federal employee of the U.S. Department of State (Foreign Service) posted in Frankfurt Germany. My job here as a Telecommunications specialist involves extensive worldwide travel, while providing technical support for our American Embassies overseas. For these reasons it will be difficult for me to expedite this patent on my own in this situation. I desperately need time. I am in no hurry to obtain the patent because I will be here in Germany for the next two years; I don't want the application to expire on me however. I am not completely ignorant of the procedures. I have been granted a patent before in 1985, (U.S. Patent 4503426), but also went through an attorney. At this time the total fee was under \$2000. I have visited your web site and have seen that instructional material is available for inventors on how to file. And so before getting started I would appreciate it if you could please answer the following questions for me:

1. Since the patent application has already been filed, I would assume that it would behoove me to concentrate only on those procedures involving modification of the existing application as opposed to doing a complete application from scratch. Can you offer any suggestion to me on where to start?
2. My two patents actually represent an exercise system in three distinct configurations, a folding rack, a collapsible metal beam, and a door mount configuration. Judging from other patents which the patent attorney has recently shown me, it seems that the exercise rack and the doormount system has already been invented and that at very best, all that I might expect to achieve with these claims are a few improvements on these configurations. Why the original patent search for which I paid good money to Maloy and Maloy did not reveal any of these patents, I do not understand. At any rate, the attorney explained to me that I would be able to select from several choices (namely groups one, two and three). The route that I want to take in proceeding with the application, (Group two), would involve perusing those claims, which are supported by figures 18-24 of the application. This pertains to the collapsible metal beam version of my invention. It seems to me that it would behoove me to develop or concentrate on the claims supporting this version of my invention because I have seen no similarities to this version anywhere in the patent search nor on the open market. Moreover I am interested in keeping the patent as simple and easy to develop as humanly possible (for obvious reasons). Does the examiner agree with me that this would be the easiest route for me to take as opposed to trying to argue for greater coverage?
3. If I were to peruse this choice (group 2), what then would be my next step or do I simply standby and wait for recommendations from the examiner?
4. In order to peruse only the claims in group 2 which are on the second (daughter patent) would I need to even file the first patent application at all? Since claims 1-35 on the first patent were not rejected, would it behoove me to peruse these claims? What would be the next step involved on my part?

Your answers and advice to these questions would be very much appreciated, as I would like to know what my options are. Below are my contact numbers and addresses. As you can see I also have a new state side address which I would like to go on my patent if it were granted.

Sincerely W. Joe Mikulski

*W. Joe Mikulski*

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November 9, 2001

VIA FACSIMILE & MAIL  
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American Consulate General  
Walter Mikulski RSC/RIMC/ABA  
PSC 115  
APO, AL 09213-0115

Re: U.S. Continuation-In-Part (CIP) Patent Appl. for -  
PORTABLE EXERCISE ASSEMBLY  
Our Ref.: 1.827.99

Dear Mr. Mikulski:

We have been in communication with the U.S. Patent Office in connection with your above-referenced patent application.

Specifically, a Patent Examiner has reached your application for review and before proceeding further, he has issued an Office Action wherein he states that in his opinion, this application contains claims drawn to more than one invention and which are in distinct and separate fields of search. Therefore, he is requiring that we "elect" one group of the claimed inventions in the patent application so that the Examiner can proceed to perform a search on the elected group of inventions.

While we do not agree with the Examiner on this point, he is requiring that we elect one of the following inventions in order for him to proceed further on your application:

Group I. Figures 1 - 8; or

Group II. Figures 18-24; or

Group III. Claims directed to the over the door mounted bracket of Figure 25 or the under mounted door bracket of figure 25.

Please be advised that we are able to "provisionally elect" one of the above groups and simultaneously, file arguments as to why the application should be viewed as containing only one invention.

We must respond to the Examiner's Action on or before December 2, 2001. However, we are permitted to respond up to two (2) months later by paying government extension fees (\$200 - \$460). These